



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2303251
Applicant Name: Brittani Ard for Patrick Bauman
Address of Proposal: 14018 Midvale Avenue North

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two (2) parcels of land. Proposed parcel sizes are: A) 2,706.7 sq. ft. and B) 2,418.1 sq. ft. Existing duplex structure will remain and the detached garage will be removed.

The following approvals are required:

Short Subdivision - to subdivide one existing parcel into two parcels.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving
another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

The 5,124.80 square foot project site is located in a multifamily Lowrise zone (L-1) in the northernmost area of Seattle. The site is rectangular in shape with a moderate hill gently sloping from the rear of the

existing duplex structure towards the easterly property line. This site is a through lot located on the east side of Midvale Avenue North and the west side of Lenora Place North. An existing duplex residence and detached garage are built on the site.

The subject site fronts on both Midvale Avenue North and Lenora Place North. Access to existing parking on the site parcel is via a driveway from Midvale Avenue North. Both Midvale Avenue North and Lenora Place North are 40' wide under-improved streets with undersized paved roadways and no curbs, sidewalks or gutters. Both streets are classified as non-arterial streets, pursuant to SMC Chapter 23.53.

The topography of the site slopes gently downward from the west, modestly slopes in the middle and continues to moderately slope downward towards the east. The site is modestly vegetated with mature trees and tall vegetation in the western portion of the site.

The properties to the west are zoned C2-65' and the properties to the east are zoned SF 5000. Surrounding properties and blocks are also zoned SF 7200. Development in the area consists of a variety of one and two-story single-family houses and multifamily structures all of varying age and architectural style on a variety of lot sizes. Existing commercial uses mainly fronting on Aurora Avenue North are located immediately west of the subject site.

Proposal

The proposal is to subdivide one parcel of land into two (2) parcels. The proposed parcel sizes are: A) 2,706.7 sq. ft. and B) 2,418.1 sq. ft. Proposed lots will have access via Midvale Avenue North and Lenora Place North. The existing duplex structure will remain and detached garage will be removed. The subject of this analysis and decision is only the proposed division of land.

Public Comment

During the public comment period which ended August 6, 2003, DPD received two written comment letters. The neighbors voiced concerns related to future parking and access impacts on Lenora Place North and negative impacts to neighboring property values.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for multifamily residential use (L-1). The allowable density of the subject property is one unit per 1,600 sq. ft. of lot area. This proposal complies regarding the allowable density. No minimum lot size is required by the zone and the size of the proposed parcels will adequately accommodate the existing and future developments on the parcels. Maximum lot coverage is 50% for townhouses and 40% for all other structures. The required front setback is the average of the setbacks of the first principal structures on either side of the subject site and no less than 5' not more than 15'. The minimum side setback is five (5) feet and is determined by structure depth and height. Minimum rear yard setback is twenty (20) feet or twenty (20) percent of the lot's depth, in no case less than fifteen feet. Minimum rear setback is twenty-five (25) feet or 20% of the lot depth, whichever is less. The lots created by this proposed division of land will conform to all development standards of the L-1 zoning district. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

The proposed lots will have vehicular access to Midvale Avenue North and Lenora Place North, consistent with the provisions of the Code. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light reviewed the proposal and has requested that a utility easement be included with the final short plat to assure continued electric power service to the property. This requirement will be

included as a condition of the short plat. As conditioned, this short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on August 1, 2003 (WAC ID No. 2003-0847). Parcel A will receive water from an 8" DIP main in Midvale Avenue North due in part to an existing meter for the existing house. Parcel B is to receive water from 6" DIP main in Lenora Place North.

An 8 inch public sanitary sewer (PSS) in Midvale Avenue North serves the existing house on proposed Parcel A. Proposed Parcel B will need a utility easement across proposed Parcel A to reach the PS. There are no sewer services in Lenora Place North.

Stormwater runoff from new construction on either proposed parcel will be discharged to the ditch and culvert system in Midvale Avenue North. Detention with controlled release will be required. A utility easement across proposed Parcel A is needed to allow discharge from proposed Parcel B to the ditch and culvert system. A utility easement is required prior to the recording of this short plat. A standard drainage control plan is required prior to issuance of any related building permit.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing

would be provided within the City limits as a result of this subdivision. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

There are no environmentally critical areas mapped or otherwise observed on the site. The proposed subdivision is not located in an environmentally critical area as defined in SMC 25.09.240, thus the subdivision is not subject to the provisions of the Critical Areas Ordinance.

6. *Is designed to maximize the retention of existing trees;*

There are two (2) trees located on the site. Most of these trees can be preserved, depending upon the location of any future construction, the extent of the root systems and the overall health of the trees. Future construction will be subject to the provisions of SMC 23.45.015, 25.11.050 and 25.11.070 which sets forth tree planting and exceptional tree protection requirements on multifamily lots in Lowrise zones.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED.**

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.

2. Submit the final recording forms for approval, and any necessary fees.
3. Tree removal or tree topping of regulated trees on this property is prohibited pursuant to SMC 25.11.040. Exemptions to this restriction pursuant to SMC 25.11.030 may apply. Tree preservation and planting options and landscaping requirements of Seattle, Municipal Code 23.44.008 require trees for new single-family development-This shall be noted on the face of the plat.
4. A no-protest agreement for future improvements to Midvale Avenue North and Lenora Place North shall be signed and recorded with the King County Department of Records and Elections.
5. Add the conditions of approval to the face of the plat.
6. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (as described in Exhibit "A," P.M. #260419-1-014) on the final short subdivision.
7. Include a six-foot wide utility easement from proposed Parcel A to proposed Parcel B to allow for Parcel B to make sewer and drainage connections to the sewer and drainage lines in Midvale Avenue North.
8. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements, if necessary.
9. A conforming parking space shall be established on Parcel A and shown on the face of the plat.
10. Include the following requirements on the face of the plat: A 9' setback from Parcel A and Parcel B's property line fronting on Midvale Avenue North; and the 20' wide paving requirement meeting Seattle Department of Transportation (SDOT) Requirements for that portion of Parcel A and B's property line fronting on Lenora Place North.

Prior to the Individual Transfer or Sale of Lots

1. Legally demolish or remove the existing structure (detached garage) prior to sale, purchase, or other ownership transfer of any of the parcels.

After Recording and Prior to Issuance of Any Building Permits

The owner(s) and/or responsible party(s) shall:

1. Attach a copy of the recorded short subdivision to all copies of future building permit application plans.

Prior to Final Approval or Certificate of Occupancy

The owner(s) and/or responsible party(s) shall:

1. SDOT required street improvements for the widened paved roadway of the section of Lenora Avenue N abutting the proposal site, must be completed.

Signature: _____ (signature on file) Date: May 27, 2004

Tamara Garrett, Land Use Planner
Department of Planning and Development
Land Use Services

TYG:bg

H:\DOC\Short Plats\2303251 decision.DOC